

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Ira S. Mullins, Jr., #08215-084,)	C.A. No. 2:06-1356-TLW-RSC
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Federal Bureau of Prisons of the United States)	
of America; U.S. Marshal Service; Medical Doctor in)	
Charge of Prisoner Health Care at Edgefield Federal)	
Correctional Institution (FCI-Edgefield); Medical)	
Doctor in Charge of Prisoner Health Care at Federal)	
Bureau of Prisons Transit Center at Oklahoma City;)	
Sheriff and Chief of Police of Bristol Virginia;)	
Medical Doctor in Charge of Prisoner Health Care in)	
Bristol, Virginia; Medical Doctor in Charge of Prisoner)	
Health Care at the Roanoke City Jail in)	
Roanoke, Virginia; Dr. Mayder, M.D., Dermatologist)	
of Kingsport, Tennessee; Jane Doe, Nurse at Roanoke)	
City Jail in Roanoke, Virginia; John Doe and Jane Doe,)	
Physician Assistants at the Federal Bureau of Prisons)	
Transit Center at Oklahoma City, Oklahoma, All)	
Individuals Listed Above are Being Sued in Their)	
Official Capacities as Government Agents and Also as)	
individuals;)	
)	
Defendants.)	
)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Robert S. Carr, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Carr recommends that this action be dismissed in its entirety under 28 U.S.C. § 1915(g) without issuance or service process. (Doc. # 6). Petitioner has filed objections to the Report. (Doc. # 8).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 6), petitioner's objections are **OVERRULED** (Doc. # 8); and this action is **DISMISSED** in its entirety under 28 U.S.C. § 1915(g) without issuance or service process.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

February 6, 2007
Florence, South Carolina